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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

**CENTER FOR BIOLOGICAL
DIVERSITY, et al.,**

Plaintiffs,

v.

**LT. GEN SCOTT A. SPELLMON, et
al.,**

Federal Defendants,

and

**AMERICAN GAS ASSOCIATION,
et al.,**

Defendant-Intervenors,

and

STATE OF MONTANA,

Defendant-Intervenor.

Case No. 4:21-cv-00047-BMM

**Federal Defendants' Motion for
Extension of Time to File Cross-
Motion and Response (re: ECF
No. 48)**

Pursuant to Local Civil Rule 7.1, Federal Defendants Lt. Gen. Scott A. Spellmon, in his official capacity as U.S. Army Chief of Engineers, and the U.S. Army Corps of Engineers move for a one-week extension of time (to March 25) to file their Cross Motion for Summary Judgment and Response to Plaintiffs' Motion. This is Federal Defendants' second request. Defendant-Intervenors do not oppose this extension; Plaintiffs oppose.¹

Good cause exists for granting the motion. The Army has requested that the undersigned seek an additional week to facilitate internal coordination on Federal Defendants' draft summary judgment brief. And the extension will not impact the remaining deadlines in the case, nor delay resolution of the cross-motions. In the Court's original scheduling order, Defendant-Intervenors had one week after Federal Defendants' cross-motion and response to file their own cross-motions and responses. *See* ECF No. 31. In granting Federal Defendants' prior extension—which Federal Defendants requested because one of their counsel was ill—the gap between Federal Defendants' and Defendant-Intervenors' cross-motions was extended to two weeks. *See* ECF No. 48. Thus, Federal Defendants' present motion would return the brief sequencing to its original spacing, and briefing

¹ If the Court were to grant the extension, Defendant-Intervenors requested a commensurate extension of their April 1 briefing deadline. We have not included that request here given Plaintiffs' opposition to any further delay in the case.

would still be completed on May 27, as presently scheduled. The Court could maintain the June 6 hearing date for the cross-motions.

Based upon the forgoing the Federal Defendants respectfully request that the Court grant them a one week extension (to March 25) to file their summary judgment response and cross-motion.

Dated: March 15, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2022, I filed the foregoing Motion for Extension of Time to File Cross-Motion and Response (re: ECF No. 48) on all counsel of record via the Court's CM/ECF system.

/s/ Benjamin Grillo
BENJAMIN J. GRILLOT